

### **REMARKS**

Claims 169-180 are pending in the subject application.

### **Information Disclosure Statement**

Applicants thank the Examiner for the indication that the IDS filed on 9/19/2007 has been considered.

### **Withdrawn Objections and Rejections**

Applicants thank the Examiner for acknowledging that the rejection of claims under 112 § 1 for lack of written description is withdrawn, as well as stating that any objection or rejection of record that was not expressly repeated in the December 11, 2007 action has been overcome by prior response and is withdrawn.

### **CLAIM REJECTIONS**

#### **Double Patenting**

The Examiner maintains that under the judicially created doctrine of nonstatutory obviousness-type double patenting claims 169-180 are unpatentable over claims 1-8 of U.S. Patent No. 6,221,616, and over claims 1-9 of U.S. Patent No. 6,291,195, for the reasons of record in the previous office action.

In response, and in an attempt to advance the prosecution of the subject application, but without conceding the correctness of the Examiner's position, applicants submit a terminal disclaimer in compliance with 37 C.F.R. 1.321(c) to overcome the obviousness-type double

patenting rejection. Accordingly, applicants respectfully request reconsideration and withdrawal of this rejection.

The terminal disclaimer fee required under 1.20(d) is being paid concurrently with this response. The Commissioner is hereby authorized to charge any fee or underpayment thereof, or credit any overpayment, to deposit account no. 503201.

### CONCLUSION

For the foregoing, Applicants believe that the application is now in condition for allowance. Such action is earnestly solicited. If a telephone conference would be of assistance in advancing the prosecution of the subject application, Applicants invite the Examiner to telephone the undersigned at the number provided below.

Respectfully submitted,

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